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Medtronic, Inc.
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MS-LC340
Minneapolis, MN 55432-5604

In re Application of	:	DECISION ON PETITION
Chester L. Struble	:	TO WITHDRAW
Serial No. : 09/842,404	:	HOLDING OF
Filed : April 26, 2001	:	ABANDONMENT
For : Diagnostic Features in Bi-Atrial and/or Bi-Ventricular: Pacing Systems	:	

This is a decision on petitioner's request filed November 4, 2004, to review the holding of abandonment mailed October 19, 2004 for failure to file a proper response to the Office action mailed March 22, 2004. There is no fee required for this petition.

In support of the request and as required by 37 CFR 1.8(b), petitioner has submitted a copy of a communication that included a Request for Continued Prosecution (RCE), a one-month extension of time request, and a Certificate of Transmission under 37 CFR 1.8, all bearing a certificate of facsimile transmission dated July 27, 2004. Petitioner has also included a copy of the Auto-Reply Facsimile Transmission from the Patent Office confirming the successful and timely transmission of the papers in question on July 27, 2004. It is noted that per the Advisory Action mailed July 12, 2004, the extension fee under 37 CFR 1.17(a) was to be calculated from the mailing date of the Advisory Action. Thus, the one-month extension of time request was proper and sufficient to establish the timely filing of the RCE.

In view of the above, the Notice of Abandonment mailed October 19, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry, processing, and consideration of the RCE filed July 27, 2004.

Summary: Holding of Abandonment Withdrawn.

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